

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CLIFTON DWAIN TUELL,)
v.)
Plaintiff,)
KINGFISHER COUNTY, *et al.*,)
Defendants.)
Case No. CIV-16-86-D

ORDER

Plaintiff Clifton Dwain Tuell, a state prisoner appearing *pro se* and *in forma pauperis*, brought this action seeking damages against three Oklahoma counties for requiring Plaintiff to register as a sex offender after the expiration of his ten-year registration period. The matter was referred to United States Magistrate Judge Charles B. Goodwin for initial proceedings in accordance with 28 U.S.C. § 635(b)(1)(B) and (C). On November 30, 2016, the magistrate judge issued a Report and Recommendation wherein he recommended dismissal of the Complaint under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). *See R. & R.* [Doc. No. 17] at 1.

In his Objection filed on December 16, 2016 [Doc. No. 18], Plaintiff presents no persuasive argument or authority that would cause this Court to reject the magistrate judge’s conclusions. Indeed, it is difficult to discern precisely what Plaintiff contends the magistrate judge got wrong.¹ Nevertheless, the Court has reviewed the entirety of the Report and

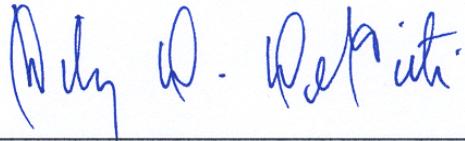
¹ Plaintiff does attempt to cure the defects in his Complaint by naming Detective Albright of Garfield County as one of the people requiring Plaintiff to register as a sex-offender after the expiration of his ten-year registration period. *See Obj. [Doc. No. 18]* at 2. However, this material was not previously presented in the pleadings, and cannot be considered now. *See Marshall v. Chater*, 75 F.3d 1421, 1426-27 (10th Cir. 1996) (holding “issues raised for the first time in objections to the magistrate judge’s

Recommendation, as well as the case record, and fully concurs in the Report and Recommendation.

Therefore, the Court, having conducted a *de novo* review,² finds that Plaintiff's Objection is overruled, and hereby ADOPTS the Report and Recommendation [Doc. No. 17] in its entirety.

IT IS THEREFORE ORDERED that the Complaint is DISMISSED without prejudice to filing a proper form of action.

IT IS SO ORDERED this 22nd day of December, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

recommendation are deemed waived."); *see also ClearOne Commc'ns, Inc. v. Biamp Sys.*, 653 F.3d 1163, 1184-85 (10th Cir. 2011); *Abdulhaseeb v. Calbone*, 600 F.3d 1301, 1310 (10th Cir. 2010).

² Pursuant to Rule 72, where the district court refers dispositive matters to a magistrate judge for a report and recommendation, the district court "must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *Birch v. Polaris Indus., Inc.*, 812 F.3d 1238, 1246 (10th Cir. 2015).